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ZNY MMNSH  
 U 141405Z DEC 82 ZFF6  
 FM GENEVA  
 TO NSC  
 INFO STATE RC1  
 CIA  
 OSD/JCS  
 ZEM  
 S E C R E T 141405Z DEC 82

NSC review completed - unredacted segments may be  
 declassified

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FROM: RICHARD H. ELLIS, U.S. SCC COMMISSIONER

TO: EYES ONLY - NSC - MR. MCFARLANE

INFO: EYES ONLY - STATE/PM - ADM. HOWE  
 ACDA/DD - MR. GREY  
 OSD - MR. PERLE  
 CIA -  
 USD/JCS - GEN. BROOKS

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1. I AM TAKING THIS UNUSUAL ACTION BECAUSE IN THIS LITTLE CORNER OF DIPLOMACY, EVENTS HAVE PROGRESSED TO THE POINT WHERE TO CONTINUE FOLLOWING THE MINORITY VIEW ON SCC QUESTIONS NOW BEFORE YOU FOR DECISION COULD IMPACT ON THE SECURITY INTERESTS OF THE U.S. AS THE PRESIDENT'S REPRESENTATIVE ON THE SCC, IT IS MY DUTY TO ENSURE THE FACTS AND CONSEQUENCES, AS JUDGED FROM HERE, ARE AVAILABLE TO HIM.

2. THE CENTRAL QUESTION IS THE ADVISABILITY OF KEEPING SCC SESSION XXII OPEN AS A MEANS OF PRESSURING THE SOVIETS TO RESPOND IN A WAY THAT SATISFIES US ON THE SS-16 QUESTION. A BRIEF SUMMARY OF EVENTS IS NECESSARY.

3. THE U.S. TABLED THE INITIAL SS-16 QUESTION ON SEPTEMBER 23, 1982. THE SOVIETS RESPONDED ON OCTOBER 21 WHICH, ACCORDING TO SCC OLD HANDS, WAS REASONABLY RAPID CONSIDERING THE COMPLEXITY SURROUNDING COMPETENCE OF SCC TO CONSIDER THE PROBLEM AND THE SOVIET OBLIGATION TO RESPOND IN VIEW OF UNRATIFIED STATUS OF SALT II TREATY. SOVIET RESPONSE, WHILE NOT "SATISFACTORY," DID PROVIDE USEFUL INFORMATION. DURING LAST TWO WEEKS OF OCTOBER AND FIRST WEEK IN NOVEMBER, WASHINGTON DEBATED NEXT STEP. OTHER WORK OF SCC-XXII

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CONTINUED UNTIL U.S. AND SOVIET SIDES AGREED THAT SCC-XXII COULD CLOSE AND UNFINISHED BUSINESS COULD CONTINUE IN PARALLEL WITH SCC-XXIII, A SPECIAL SESSION TO CARRY OUT REQUIRED FIVE-YEAR REVIEW OF THE ABM TREATY. ACCORDINGLY, SCC-XXII FINAL PLENARY WAS SCHEDULED FOR MORNING OF NOVEMBER 5. TWO HOURS BEFORE SESSION WAS TO START I RECEIVED INSTRUCTIONS DIRECTING THAT SCC-XXII NOT BE CLOSED UNLESS SOVIETS AGREED TO DISCUSS SS-16 ISSUE IN SCC-XXIII "AS IF IT WERE A REGULAR SESSION." SOVIETS REGARDED THIS ACTION AS NOT ONLY UNNECESSARY BUT ALSO AS AN ULTIMATUM. A LATER COMPROMISE PERMITTED OPENING SCC-XXIII ON NOVEMBER 9.

4. DURING THE PAST FEW DAYS U.S. AND SOVIET SIDES AGREED ON TREATY REVIEW PROTOCOL, JOINT COMMUNIQUE, UNILATERAL STATEMENTS TO BE MADE AT PROTOCOL SIGNING, OPENING DATE OF SCC-XXIV (MARCH 12/13) AND ARRANGEMENTS FOR CLOSING SCC-XXIII AND SCC-XXII. ALL OF THESE AGREEMENTS ARE WITHIN SCOPE OF MY INSTRUCTIONS EXCEPT FOR CLOSING SCC-XXII AND OPENING DATE OF SCC-XXIV WHICH ARE IN WASHINGTON FOR DECISION.

5. AT 1100 HOURS THIS MORNING WE MET WITH SOVIETS IN A LIMITED COMPOSITION MEETING TO REVIEW STATUS OF SIDES' READINESS TO COMPLETE THE WORK OF THIS SESSION. SOVIET SIDE TOOK INITIATIVE AND TABLED THEIR FINAL PROPOSALS ON TREATY REVIEW PROTOCOL, JOINT COMMUNIQUE, AND UNILATERAL STATEMENTS--ALL AS AGREED EARLIER. SOVIETS INDICATED A PREFERENCE FOR NOT GOING PUBLIC ON UNILATERAL STATEMENTS ALSO WITHIN MY INSTRUCTIONS. AFTER QUERY, SOVIETS PROVIDED RESPONSE TO SECOND SET OF QUESTIONS ON SS-16 TABLED BY U.S. ON NOVEMBER 17. DURING MEETING THEY ALSO REAFFIRMED WILLINGNESS TO OPEN SCC-XXIV ON MARCH 12/13, 1983. SOVIETS THEN ASKED ME STATUS OF U.S. POSITION. I REPLIED I WAS AWAITING FINAL INSTRUCTIONS FROM WASHINGTON. SOVIETS PRESSED AND I REPLIED PROBLEM DID NOT CONCERN PROTOCOL, COMMUNIQUE, OR UNILATERAL STATEMENTS BUT DID NOT ELABORATE FURTHER. MEETING WAS ADJOURNED AFTER AGREEING TO CONFORM PROTOCOL AND COMMUNIQUE THIS AFTERNOON.

6. IF U.S. INSISTS ON KEEPING SCC-XXII OPEN, I AM CONVINCED THAT WE WILL CLOSE OFF ALL DISCUSSION ON SS-16, RS-22 AND ANY OTHER QUESTIONS RELATED TO COMPLIANCE WITH SALT II. BY RESPONDING TO TWO SETS OF QUESTIONS AND THEIR TABLING OF THE MX QUESTION SOVIETS HAVE INDICATED THEIR READINESS TO DISCUSS ISSUES RELATED TO SALT II. THAT PROCESS IS IN MOTION UNDER NORMAL SCC PROCEDURES. TO KEEP SCC-XXII OPEN IS A DIRECT AND UNNECESSARY REMINDER OF U.S. DEMAND OF NOVEMBER 5. ADDITIONALLY, I BELIEVE SCC WILL ENTER A PERIOD OF CONFRONTATION THAT DOES NOT SERVE U.S. INTERESTS. ON THE OTHER HAND, IF YOU

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SUPPORT STATE AND ACDA POSITION, I BELIEVE SCC WILL ENTER A PERIOD OF CONSTRUCTIVE PRODUCTIVITY THAT COULD BE HELPFUL IN OTHER ONGOING NEGOTIATIONS. IN SUMMARY, SOVIETS DO NOT LIKE PRESENT SITUATION, BUT THEY ARE PREPARED TO FOLLOW U.S. LEAD DOWN EITHER ROAD. I URGE WE CHOOSE THE CONSTRUCTIVE, POSITIVE, AND PRODUCTIVE APPROACH. I BELIEVE MY RECOMMENDATIONS ARE IN BEST INTERESTS OF U.S., CONSISTENT WITH ADMINISTRATION POSITION ON ARMS CONTROL MATTERS, AND SUPPORTIVE OF PRESIDENT'S POSITION ON ABM TREATY AS ANNOUNCED IN HIS NOVEMBER 22 MX STATEMENT.

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END OF MESSAGE

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